IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No. 3

Criminal Misc. Application No. 219 of 2003

Satendra Kumar …… Applicant.

Versus

1. State of Uttaranchal
2. S.H.O. Police Station Kankhal
   District Hatridwar. ……. Respondents.

Hon'ble Irshad Hussain, J.

This is a petition under section 482 of the Code of Criminal Procedure against the order dated 12.09.2002 passed by II F.T.C./Assistant Sessions Judge Haridwar whereby the application for release of the case property was partly allowed.

Heard Sri Vivek Shukla learned counsel for the petitioner and learned A.G.A. and perused the record.

The case property consist of computers and accessories part of which were released. The computers were not released in view of the fact that they may be containing some evidence throwing light on the crime in question and their decoding may be in contemplation during investigation. The application for release was moved on 22nd July 2003. The investigating Agency has had sufficient time to proceed with the decoding if they wanted to have the decoding of the but it appear that no such step has yet been taken. Sufficient time was also given so that steps in this regard may be taken by the Investigating Agency but it appear that they are not contemplating decoding of any alleged incident from the computers. Considering this the remaining case property can not be permitted go be detained to the detriment of the applicant-petitioner as the value of the same may be diminished for want of proper maintenance.

In view of above the petition is allowed and the impugned order dated 12.9.2003 is modified to the extent that remaining case property namely the items mentioned at serial Nos. 1, 2, 3, 5, 6, 9 and 10 of the release application are also released in favour of the applicant-petitioner on the same terms and conditions as imposed by the learned Sessions Judge per order dated 12.9.2003.

The property shall be released on expiry of the period of one week form today and if the Investigation Agency want to have the computers decoded the same may be done during this said period of one week.

(Irshad Hussain, J.)

Dated: 14.10.2003

ISB